

REMARKS

Claims 1, 8, 10-16, 33 and 34 are pending. Claim 1 has been amended. No new matter has been added.

The Applicant thanks the Examiner for withdrawing the rejection under 35 U.S.C. §112, second paragraph and some of the previous rejections under 35 U.S.C. §112, first paragraph.

Rejection Under 35 U.S.C. §112, first paragraph, Enablement

Claims 1, 8, 10-16 and 33-34 are rejected under 35 U.S.C. §112, first paragraph as allegedly lacking enablement. According to the Office Action, "it is not clear which of two PSMA variant sequences, SEQ ID NO:1 or SEQ ID NO:2, is detected by the claimed method, in view that variants of a sequence do not necessary express at the same level as that of the corresponding wild type, as taught by Schmid et al, and Conner et al, all of record."

Solely in the interest of expediting prosecution of this application, independent claim 1 has been amended to delete the recitation of "SEQ ID NO:2".

The present application provides sufficient disclosure of the methods to determine human PSMA expression levels in the sample wherein the human PSMA comprises the amino acid sequence of SEQ ID NO:1. For example, Example 1 in the present application provides detailed description of detection of PSMA protein expression by immunohistochemistry (ICH) using mouse anti-human PSMA antibody 7E11. As provided on page 31 of the application, 7E11 antibody is "directed against *the internal domain* of the PSMA protein." (emphasis added) Specifically, it is known in the art that the epitope of 7E11 antibody is localized at the N-terminus of the PSMA, minimally consisting of the first six amino acids (MWNLLH). See, e.g., Barren et al., Prostate. 30(1):65-68 (1997) (IDS submitted on September 16, 2004). Thus, the epitope of 7E11 antibody is present in SEQ ID NO:1 (PSM-long) but not SEQ ID NO:2 (PSM'-short), and it is clear that human PSMA comprising the amino acid sequence of SEQ ID NO:1 is detected by the methods as recited in the amended claims.

Based upon the teaching in the application and the knowledge in the art the time of filing, the expression level of human PSMA comprising the amino acid sequence of SEQ ID NO:1 can

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be determined without undue experimentation. Therefore, the Applicant respectfully requests that this rejection be withdrawn.

CONCLUSION

For at least the reasons stated above, Applicant respectfully submits that all examined claims are in condition for allowance, which action is expeditiously requested. Applicant does not concede any positions of the Office that are not expressly addressed above, nor does the Applicant concede that there are not other good reasons for patentability of the presented claims or other claims.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, please charge any deficiency to Deposit Account No. 50/2762.

Respectfully submitted,

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